



*PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Joseph M. Jilka  
SERIAL NO: 10/086,062  
FILED: February 28, 2002  
TITLE: NOVEL PLANT PROMOTER SEQUENCES AND METHODS OF USE  
FOR SAME

ART UNIT: 1635  
EXAMINER: Epps, J.

**131 DECLARATION OF JOSEPH M. JILKA**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I, Joseph M. Jilka hereby declare the following:

1. That I am the inventor for the above-identified patent application; that I conceived and reduced to practice in the United States the invention claimed in the above-identified patent application prior to the international publication date of March 23, 2000, of the cited PCT Application No. WO 00/15810 to Goldsbrough as evidenced by the enclosed notebook pages.

2. Attached Exhibit A is a copy of notebook records relating to this conception wherein construction of proposed versions of the ubiquitin variants show a no heat shock version. Also relating to this conception is Exhibit B which is a copy of a table listing the promoters made which show a no heat shock version. Attached Exhibit C are primers among which is the no heat shock version, version 4A, 4B.

3. That pursuant to this conception, I actually reduced to practice in the United States the invention claimed in the above-identified patent application prior to March 23, 2000, the international publication date of the cited Goldsbrough patent. Attached Exhibit D and E are copies of the notebook records of Kathy Beifuss, who worked under my direction and supervision, however, did not contribute materially to the above-identified invention, relating to the actual reduction to practice, wherein Exhibit D shows use the no heat shock

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